

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-KWR/KK

RIO CHAMA STREAM SYSTEM  
Section 3, Rio Cebolla

Subfile No.: CHCB-003-0005

**[Proposed] CORRECTED ORDER FOR SUBFILE NO.: CHCB-003-0005**

The Court, having considered Plaintiff State of New Mexico's *Motion to Correct Clerical Error in Consent Order in Subfile No. CHCB-003-0005* (Doc. No. \_\_\_\_\_) concerning Defendants':

JOE M. MADRID

PHYLLIS MADRID

right(s) to use the public waters of the Rio Chama Stream System, as set forth below, finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendants have previously agreed to the elements of Defendants' right(s) to divert and use the public waters of the Rio Chama Stream System, Rio Cebolla, Section 3 (Doc. No. 6971, filed 12/5/2002).
3. The original *Consent Order* for Subfile No. CHCB-003-0005 mistakenly omits the Quarter Section location of 20.4 acres of irrigated lands and 5.8 acres of land with no recognized water right(s).
4. Pursuant to Rule 60(a) of the Federal Rules of Civil Procedure, the Court may correct the

omission on motion by Plaintiff.

5. There is no just reason for delay for the entry of a corrected final judgment as to the elements of the rights(s) of the Defendant(s) adjudicated by this order.
6. The right(s) of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Cebolla, Section 3, are set forth below:

**A. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer File No(s):** 01133 - 01167

**Priority:** 1889

**Source of Water:** Surface waters of the Rito Cienega Redonda, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch:** ALTO DITCH

Location X: 1,578,556 feet      Location Y: 2,012,106 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Section 35, Township 27N, Range 04E, N.M.P.M.

Pt. NE $\frac{1}{4}$	20.4 acres
Pt. NW $\frac{1}{4}$	0.8 acres
Total	21.2 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.:

CHCB-003-0005

**Amount of Water (acre-feet per acre per year, not to exceed):**

Reserved for future determination by court order entered July 25, 2000.

**B. NO RIGHT (Surface Water Only):**

**Office of the State Engineer File No(s):** NONE

**Priority:** NONE

**Source of Water:** Surface waters of the Rito Cienega Redonda, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

**Purpose of Use:** NO RIGHT

**Point of Diversion:**

**Ditch:** ALTO DITCH

Location X: 1,578,556 feet      Location Y: 2,012,106 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Acreage:**

Section 35, Township 27N, Range 04E, N.M.P.M.

Pt. NE $\frac{1}{4}$	5.8 acres
Total	5.8 acres (No Right)

As shown on the attached revised Hydrographic Survey Map for Subfile No.:

CHCB-003-0005

**Amount of Water (acre-feet per acre per year, not to exceed):**

NONE

7. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Cebolla, Section 3, other than those set forth in this order and those other orders entered by this Court in this cause.
8. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the water rights described herein.
9. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Cebolla, Section 3, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Order as a final judgment as to the elements of Defendants' water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.

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KEA W. RIGGS  
UNITED STATES DISTRICT JUDGE